

4014.1074 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 05 2007

Applicant: Yat Sun Or

Application No.: 10/763,377 Filed: January 23, 2004

Confirmation No.: 7571

TC/A.U. : 1623 Examiner : Ganapathy Krishnan

Docket No. : 4014.1074 US

For: Bridged Macrocyclic Compounds and Processes for the Preparation Thereof

PETITION UNDER 37 C.F.R. 1.183

Mail Stop Post Issue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I am writing to request that the reply brief which was due on December 04, 2007 will be enter as timely. My failure to electronically file the reply brief by 12:00 am EST on December 04, 2007 is due to the unavailability of the TEAS site at the USPTO.

At about 11:30 p.m. EST, I tried to submit the reply brief electronically and failed due to the EFS-web server problem. I was able to upload the reply brief and enter all the appropriate information, however, at the submit button, the site froze and locked me out of private pair. I tried several time thinking it was a glitch on my end. Each attempt I was able to upload the reply brief but was able to finalizing the submission. By the time I realized that something was wrong with the TEAS site, I panic since I don't have a fax machine at home. Out of desperation, I asked someone in Calgary, Canada (Mountain Stanadard Time) to fax the response in for me. The fax transmission verification report (attached) showed that the reply brief was faxed at 11:01 pm in MST which is 1:01 am in EST. I continued to try submitting the reply brief electronically, but was still unsuccessful and therefore I emailed the EBC center at 1:35 am describing the problem (attached). I waited until 6 am in the morning of December 05, 2007 and then called the EBC center again. I spoke with Mohammed about the problem and then he tried to submit something

12/18/2007 ERYALEW1 00000061 502807 10763377  
400.00 DA  
01 FC:1462

Adjustment date: 01/23/2008 CKHLOK  
12/18/2007 EAYALEW1 00000061-502807 10763377  
01 FC:1462 400.00 CR

DEC 05 2007

Application No.: 10/763,377

himself and he also had the same problem. He gave the ticket number of 1-101476760 to prove that TEAS site had a problem.

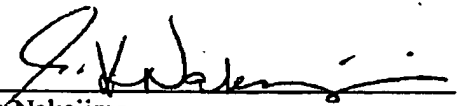
I respectfully request that you would reconsider entering the reply brief (attached again) as timely since it was not my fault that the TEAS site had a problem. I would have driven to a shop near by to fax in the reply brief if I knew the TEAS site was complete down. The fact that I can access private pair and upload the reply brief did not make think that there was something wrong with the server. The only fault of mine with this situation is that I had too much faith the EFS system. I ask for your pardon and allowed the reply brief to be entered as timely.

Summary

The fees required for filing this petition under §1.17(f) and for the Request for reconsideration that the reply brief was filed timely are authorized to be charged to Deposit Account No. 502807. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 502807.

Respectfully submitted,

ELMORE PATENT LAW GROUP, P.C.

By   
Suanne Nakajima  
Registration No.: L0344  
Tel.: (978) 251-3509  
Fax: (978) 251-3973

N. Chelmsford, Massachusetts 01863  
Date: December 05, 2007

**UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231**

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: <u>01/23/08</u>		2 Serial/Patent # <u>10763377</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED							
	Filing		\$							
	Amendment		\$							
	Extension of Time		\$							
	Notice of Appeal/Appeal		\$							
X	Petition 1462		12/05/07 \$ 400.00							
	Issue		\$							
	Cert of Correction/Terminal Disc.		\$							
	Maintenance		\$							
	Assignment		\$							
	Other		\$							
		7 TOTAL AMOUNT OF REFUND \$ 400.00								
10 REASON:		8 TO BE REFUNDED BY:								
	Overpayment		Treasury Check							
	Duplicate Payment	X	Credit Deposit A/C #:							
X	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">5</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">2</td> <td style="width: 20px; text-align: center;">8</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">7</td> </tr> </table>		5	0	--	2	8	0	7
5	0	--	2	8	0	7				
Petition not necessary--dismissed as moot.										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Douglas I. Wood</u>		TITLE: <u>Senior Petitions Attorney</u>								
SIGNATURE: <u>/douglas wood/</u>		PHONE: <u>571-272-3231</u>								
OFFICE: <u>Office of Petitions</u>										
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****										
APPROVED: <u><i>CKh</i></u>		DATE: <u>1/23/08</u>								

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*

**Office of Finance  
Refund Branch  
Crystal Park One, Room 802B**